

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MASON Q. ROTHERT-RADZOM, )

Plaintiff, )

vs. )

Case No. 21-cv-0077-DWD

COMMISSIONER OF SOCIAL )  
SECURITY, )

Defendant. )

MEMORANDUM & ORDER

DUGAN, District Judge:

This matter comes before the Court on Plaintiff Mason Q. Rothert-Radzom's motion for leave to proceed *in forma pauperis*. (Doc. 3). Two issues must be resolved before *in forma pauperis* status can be granted: the plaintiff must show that he is indigent by submitting an affidavit "that includes a statement of all assets [he] possesses [showing] that [he] is unable to pay such fees or give security therefor," and the plaintiff's complaint must not be clearly frivolous or malicious. 28 U.S.C. § 1915(e)(2).

Here, the Court is satisfied that Plaintiff is indigent based on his affidavit, and the record does not suggest that Plaintiff's claims are frivolous or malicious. Accordingly, the Court **GRANTS** Plaintiff's motion for leave to proceed *in forma pauperis* without prepayment of fees and costs. (Doc. 3). Plaintiff is warned, however, that should it become apparent at any point in the future that this action is frivolous or malicious, this action may be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

If Plaintiff wishes for the United States Marshals Service to serve process in this case, Plaintiff shall provide the United States Marshals Service with a summons issued in this case, completed USM-285 forms, and sufficient copies of the complaint. The Court **DIRECTS** the United States Marshal, upon receipt of the aforementioned documents, to serve a copy of the summons, complaint, and this Order upon Defendant Commissioner of Social Security, the United States Attorney for the Southern District of Illinois, and the Attorney General of the United States, pursuant to Federal Rule of Civil Procedure 4(c)(3) and in the manner specified by Rule 4(i)(1) & (2). Costs of service shall be borne by the United States.

This entire matter shall be **REFERRED** to a United States magistrate judge for disposition, pursuant to Local Rule 72.2(b)(3) and 28 U.S.C. § 636(c), *only if all parties consent to such a referral.*

**SO ORDERED.**

Dated: January 29, 2021

s/ David W. Dugan  
DAVID W. DUGAN  
United States District Judge